

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTIES IN LOS
ANGELES, CALIFORNIA AND LAS
VEGAS, NEVADA,

Defendants.

Case No. 2:11-CV-07920-PJW

Consolidated with Case No.
2:15-cv-03892-DOC (VBKx)

**CONSENT JUDGMENT OF
FORFEITURE**

ANUSH DAVTYAN AND
LILIT DAVTYAN

Claimants.

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3
4 v.

5 \$298,701.00 IN U.S. CURRENCY AND
6 168 PIECES OF MISCELLANEOUS
7 JEWELRY,

8 Defendants.

9
10 LILIT DAVTYAN,

11 Claimant.
12

13 Pursuant to the stipulation and request of Plaintiff United States of America and
14 Claimants Lilit Davtyan (“L. Davtyan”) and Anush Davtyan (“A. Davtyan”), the Court
15 hereby enters this Consent Judgment of Forfeiture containing the terms set forth below:

16 On or about September 23, 2011, Plaintiff United States of America (“the
17 government,” “the United States of America” or “plaintiff”) filed a Verified Complaint
18 For Forfeiture in United States of America v. Real Properties Located in Los Angeles,
19 California and Las Vegas, Nevada, Case No. CV 11-07920-DOC (the “Real Property
20 Forfeiture Litigation”) alleging that defendants Real Properties Located In Los Angeles,
21 California and Las Vegas, Nevada (collectively the “Defendant Real Properties”) are
22 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1), 21 U.S.C. § 881(a)(6) and (7) and
23 31 U.S.C § 5317(c)(2).

24 On or about May 22, 2015, Plaintiff filed a Verified Complaint For Forfeiture in
25 United States of America v. \$298,701.00 in U.S. Currency and 168 Pieces of
26 Miscellaneous Jewelry, Case No. CV 15-0392 (the “\$298,701.00 Forfeiture Litigation”),
27 alleging that the defendants \$298,701.00 In U.S. Currency (the “Defendant Currency”)

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1 and 168 Pieces Of Miscellaneous Jewelry (the “Defendant Jewelry”) are subject to
2 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6).

3 Pursuant to orders filed December 21, 2015 in the Real Property Forfeiture
4 Litigation (docket no. 41) and the \$298,701.00 Forfeiture Litigation (docket no. 28), the
5 Real Property Forfeiture Litigation was consolidated with the \$298,701.00 Forfeiture
6 Litigation, the parties were instructed that all future filings were to filed only in the Real
7 Property Forfeiture Litigation (i.e., the low-numbered case), and the \$298,701.00
8 Forfeiture Litigation was closed as of December 21, 2015.

9 The defendant Real Property Located In Los Angeles, California in the Real
10 Property Forfeiture Litigation (the “Defendant Los Angeles Real Property”) is titled in
11 the name of Lilit Davtyan, a single woman, and has Assessor Parcel Number 2258-028-
12 001 and the following legal description:

13 THE REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY
14 OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS LOT 7
15 OF TRACT NO. 20778, IN THE CITY OF LOS ANGELES, COUNTY OF
16 LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED
17 IN BOOK 568, PAGES 17 AND 18 OF MAPS, IN THE OFFICE OF THE
18 COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA.

19 The defendant Real Property Located in Las Vegas, Nevada (the “Defendant Las
20 Vegas Real Property”) is titled in the name of Lilit Davtyan, a married woman, and has
21 Assessor Parcel Number 162-20-617-137 and the following legal description:

22 ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF
23 CLARK, AND STATE OF NEVADA AND BEING DESCRIBED AS
24 UNIT 4425 AS SHOWN ON THE FINAL MAP OF COSMOPOLITAN
25 (WEST TOWER) FILED IN BOOK 142 OF PLATS, PAGE 84, IN THE
26 OFFICIAL RECORDS OF THE COUNTY RECORDER, CLARK
27 COUNTY, NEVADA (“MAP”), AND AS DEFINED AND SET FORTH
28 IN AND SUBJECT TO THAT CERTAIN DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR THE COSMOPOLITAN OF
LAS VEGAS WEST TOWER, RECORDED JANUARY 13, 2011 AS
INSTRUMENT NO. 2556 IN BOOK 20110113, OFFICIAL RECORDS,
CLARK COUNTY, NEVADA (“DECLARATION”);

TOGETHER WITH AN UNDIVIDED ALLOCATED INTEREST IN
AND TO THE COMMON ELEMENTS, AS SET FORTH IN, AND
SUBJECT TO, THE MAP AND DECLARATIONS;

1 TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS
2 AND EGRESS FROM THE UNIT, AS SET FORTH IN, AND SUBJECT
3 TO, THE MAP AND THE DECLARATION.

4 The Defendant Jewelry in the \$298,701.00 Forfeiture Litigation consists of the
5 168 pieces of jewelry more specifically identified in Exhibit A attached to the complaint
6 filed May 22, 2015 in the \$298,701.00 Forfeiture Litigation.

7 On or about January 12, 2012 (i) A. Davtyan and L. Davtyan filed in the Real
8 Property Forfeiture Litigation their respective claims to the Defendant Los Angeles Real
9 Property; and (ii) L. Davtyan filed in the Real Property Forfeiture Litigation a claim to
10 the Defendant Las Vegas Real Property.

11 On or about July 9 and 30, 2015, respectively, L. Davtyan filed a claim in the
12 \$298,701.00 Forfeiture Litigation to the Defendant Currency and Defendant Jewelry and
13 an answer to the complaint.

14 Other than the claims filed by L. Davtyan and A. Davtyan in the Real Property
15 Forfeiture Litigation and claim and answer filed by L. Davtyan in the \$298,701.00
16 Forfeiture Litigation, no other person has filed a claim or answer or otherwise appeared
17 in those proceedings and the time for filing claims and answers has expired.

18 The Court, having been duly advised of and having considered the matter, and
19 based on the mutual consent of the parties hereto,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

21 1. This Court has jurisdiction over the subject matter of the consolidated cases
22 and the parties to this Consent Judgment of Forfeiture.

23 2. The Complaints for Forfeiture in the Real Property Forfeiture Litigation and
24 the \$298,701.00 Forfeiture Litigation state claims for relief pursuant to 18 U.S.C. §
25 981(a)(1), 21 U.S.C. § 881(a)(6) and (7) and 31 U.S.C § 5317(c)(2).

26 3. Notice of this action has been given as required by law. No appearances
27 have been made in the Real Property Forfeiture Litigation or the \$298,701.00 Forfeiture
28 Litigation by any persons other than A. Davtyan and L. Davtyan. The Court deems that

1 all other potential claimants admit the allegations of the Complaints for Forfeiture to be
2 true.

3 4. The United States of America shall have judgment as to the interests of L.
4 Davtyan and all other potential claimants as to the Defendant Currency, which funds
5 shall be condemned and forfeited to the United States of America. The United States of
6 America shall dispose of the Defendant Currency in accordance with law.

7 5. Within ninety (90) days after this Consent Judgment of Forfeiture is filed,
8 L. Davtyan shall pay the United States of America \$118,215.00 (one hundred eighteen
9 thousand two hundred and fifteen dollars), which shall be the substitute res for the
10 Defendant Jewelry, except for the potentially returned jewelry items identified in
11 paragraph 8 below, in the \$298,701.00 Forfeiture Litigation. The \$118,215.00 shall be
12 paid via a cashier's check payable to the United States Marshals Service (or in any other
13 manner agreed to in writing by the United States Attorney's Office following the filing
14 of this Consent Judgment of Forfeiture) and delivered to the Assistant United States
15 Attorney signing the stipulation (or any other Assistant United States Attorney as
16 designated in writing by the United States Attorney's Office following the filing of this
17 Consent Judgment of Forfeiture) which requested entry of this Consent Judgment of
18 Forfeiture.

19 6. Should L. Davtyan timely make the \$118,215.00 payment in full and in the
20 manner provided by this Consent Judgment of Forfeiture, (i) the United States of
21 America shall return to L. Davtyan ten of the jewelry items (collectively, the "Returned
22 Jewelry Items" and identified in paragraph 8 below) which comprise the Defendant
23 Jewelry; and (ii) the United States of America shall have judgment as to the interests of
24 L. Davtyan and all other potential claimants against the \$118,215.00 as the substitute res
25 for the remaining 158 jewelry items which comprise the Defendant Jewelry, which funds
26 shall be condemned and forfeited to the United States of America and disposed of by the
27 United States of America in accordance with law.

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1 7. However, should L. Davtyan fail to timely make the \$118,215.00 payment
2 in full and in the manner provided by this Consent Judgment of Forfeiture, the following
3 shall apply:

4 a. The United States of America shall file a statement which provides
5 that L. Davtyan has failed to timely make the \$118,215.00 payment in full and in the
6 manner provided by this Consent Judgment of Forfeiture.

7 b. The United States of America shall have judgment as to the interests
8 of L. Davtyan and all other potential claimants against the Defendant Jewelry, which
9 shall be condemned and forfeited to the United States of America and disposed of by the
10 United States of America in accordance with law.

11 8. The Returned Jewelry Items consist of the following, with the numbers
12 corresponding to the order in which the jewelry items appear on Exhibit A attached to
13 the complaint filed May 22, 2015 in the \$298,701.00 Forfeiture Litigation: (#19) 18K
14 YG and platinum lady's ring w/diamonds; (#21) 14K YG lady's vintage ring w/oval
15 cabochon "oxblood" coral stone; (#27) 14K two-tone gent's diamond ring in square plate
16 flanked by channel set diamonds; (#28) 14K YG gent's ring w/5 channel set round
17 diamonds; (#109) 14K YG lady's vintage bracelet-watch w/oval cabochon semi-crystal
18 opals; (# 110) 14K YG lady's vintage bracelet-watch w/star set diamonds; (#111)
19 Platinum lady's diamond ring; (#116) Boctok 14K pink gold gent's watch; (#160) 14K
20 YG and WG solitaire engagement ring set in a buttercup head; and (#163) 14K YG
21 emerald-cut peridot lady's ring w/prong set melee diamonds.

22 9. As used in paragraph 6 above, the United States of America's "return" of
23 the Returned Jewelry Items refers to and requires only that the United States of America
24 make those items available for pickup by L. Davtyan or her designee. In making
25 arrangements for the pickup of the Returned Jewelry Items, the United States of America
26 may contact L. Davtyan through her attorney of record, via email or otherwise, as
27 follows: Mark J. Geragos, Geragos & Geragos, 644 S Figueroa Street, Los Angeles, CA
28 90017, mark@geragos.com, telephone (213) 625-3900, facsimile (213) 625-1600.

1 10. The United States of America shall have judgment as to the interests of L.
2 Davtyan and all other potential claimants in the Defendant Las Vegas Real Property,
3 which is hereby condemned and forfeited to the United States of America. With respect
4 to the Defendant Las Vegas Real Property, the Clark County Recorder shall index this
5 judgment in the grantor index under the name of Lilit Davtyan, a married woman as her
6 sole and separate property, and in the grantee index under the name of the United States
7 of America.

8 11. Title having vested in the United States of America with respect to the
9 Defendant Las Vegas Real Property, the United States of America shall proceed to
10 dispose of the Defendant Las Vegas Real Property in accordance with law. Upon
11 disposition of the Defendant Las Vegas Real Property, the proceeds of the sale of the
12 Defendant Las Vegas Real Property, to the extent such amounts are available, shall be
13 payable in the following priority:

14 a. first, payment to the United States (including its agency the Internal
15 Revenue Service) for all expenses incurred relative to the Defendant Las Vegas Real
16 Property including, but not limited to, expenses of custody, advertising and sale;

17 b. second, payment to the County Assessor and Tax Collector of Clark
18 County, Nevada for any unpaid real property taxes assessed against the Defendant Las
19 Vegas Real Property up to the date of filing of this Consent Judgment of Forfeiture; and

20 c. third, payment to the Internal Revenue Service, which shall deposit
21 and dispose of the remaining proceeds from the sale of the Defendant Las Vegas Real
22 Property in accordance with law.

23 12. Any occupants of the Defendant Las Vegas Real Property are hereby
24 ordered to vacate the Defendant Las Vegas Real Property within two weeks after
25 receiving notice of this Consent Judgment of Forfeiture from the United States of
26 America.

27 13. Within ninety (90) days after this Consent Judgment of Forfeiture is filed,
28 L. Davtyan shall pay the United States of America \$642,606.50 (six hundred forty two

1 thousand six hundred six dollars and fifty cents), which shall be the substitute res for the
2 Defendant Los Angeles Real Property in the Real Property Forfeiture Litigation. The
3 \$642,606.50 shall be paid via a cashier's check payable to the United States Department
4 of the Treasury (or in any other manner agreed to in writing by the United States
5 Attorney's Office following the filing of this Consent Judgment of Forfeiture) and
6 delivered to the Assistant United States Attorney signing the stipulation (or any other
7 Assistant United States Attorney as designated in writing by the United States Attorney's
8 Office following the filing of this Consent Judgment of Forfeiture) which requested
9 entry of this Consent Judgment of Forfeiture.

10 14. Should L. Davtyan timely make the \$642,606.50 payment in full and in the
11 manner provided by this Consent Judgment of Forfeiture, the United States of America
12 (i) shall have judgment as to the interests of L. Davtyan, A. Davtyan and all other
13 potential claimants against the \$642,606.50 as the substitute res for the Defendant Los
14 Angeles Real Property, which shall be condemned and forfeited to the United States and
15 disposed of by the United States in accordance with law; and (ii) shall record a
16 withdrawal of lis pendens with the Los Angeles County Recorder's office within thirty
17 (30) days after the United States of America's receipt of the payment and agrees not to
18 pursue forfeiture of the Defendant Los Angeles Real Property with respect to any
19 conduct occurring prior to the filing of this Consent Judgment of Forfeiture.

20 15. However, should L. Davtyan fail to timely make \$642,606.50 payment in
21 full and in the manner provided by this Consent Judgment of Forfeiture, the following
22 shall apply:

23 a. The United States of America shall file a statement which provides
24 that L. Davtyan has failed to timely make the \$642,606.50 payment in full and in the
25 manner provided by this Consent Judgment of Forfeiture.

26 b. The United States of America shall have judgment as to the interests
27 of L. Davtyan, A. Davtyan and all other potential claimants against the Defendant Los
28 Angeles Real Property, which shall be condemned and forfeited to the United States of

1 America. With respect to the Defendant Los Angeles Real Property, the Los Angeles
2 County Recorder shall index this judgment in the grantor index under the name of Lilit
3 Davtyan, a single woman, and in the grantee index under the name of the United States
4 of America.

5 c. Title having vested in the United States of America with respect to
6 the Defendant Los Angeles Real Property, the United States of America shall proceed to
7 dispose of the Defendant Los Angeles Real Property in accordance with law. Upon
8 disposition of the Defendant Los Angeles Real Property, the proceeds of the sale of the
9 Defendant Los Angeles Real Property, to the extent such amounts are available, shall be
10 payable in the following priority:

11 i. first, payment to the United States (including its agency the
12 Internal Revenue Service) for all expenses incurred relative to the Defendant Los
13 Angeles Real Property including, but not limited to, expenses of custody, advertising and
14 sale;

15 ii. second, payment to the County Assessor and Tax Collector of
16 Los Angeles, County, California for any unpaid real property taxes assessed against the
17 Defendant Los Angeles Real Property up to the date of filing of this Consent Judgment
18 of Forfeiture;

19 iii. third, payment of \$642,606.50 to the Internal Revenue Service,
20 Service, which shall deposit and dispose of those proceeds from the sale of the
21 Defendant Los Angeles Real Property in accordance with law; and

22 iv. fourth, to L. Davtyan.

23 d. Any occupants of the Defendant Los Angeles Real Property are
24 hereby ordered to vacate the Defendant Los Angeles Real Property within two weeks
25 after receiving notice of this Consent Judgment of Forfeiture from the United States of
26 America.

27 16. A. Davtyan and L. Davtyan, and each of them, hereby release the United
28 States of America, its agencies, agents, officers, employees and representatives,

1 including, without limitation, all agents, officers, employees and representatives of the
2 Federal Bureau of Investigation, the Internal Revenue Service and the Department of
3 Justice and their respective agencies, as well as all agents, officers, employees and
4 representatives of any state or local governmental or law enforcement agency involved
5 in the investigation or prosecution of this matter, from any and all claims (including,
6 without limitation any petitions for remission, which A. Davtyan and L. Davtyan, and
7 each of them, hereby withdraw), actions or liabilities arising out of or related to this
8 action, including, without limitation, any claim for attorney fees, costs and interest,
9 which may be asserted by or on behalf of Claimant A. Davtyan and L. Davtyan, or either
10 of them, whether pursuant to 28 U.S.C. § 2465 or otherwise.

11 17. The Court finds that there was reasonable cause for the institution of these
12 proceedings. This Consent Judgment of Forfeiture shall be construed as a certificate of
13 reasonable cause pursuant to 28 U.S.C. § 2465.

14 18. The Court further finds that neither A. Davtyan nor L. Davtyan substantially
15 prevailed in this action, and the parties hereto shall bear his, her or its own attorney fees
16 and costs.

17 19. Claimants, and each of them, further agree to execute, as necessary and
18 upon reasonable request by the United States of America, any documents necessary to
19 effect the United States of America's forfeiture of the items as provided under the terms
20 of this Consent Judgment of Forfeiture.

21 20. The Court shall retain jurisdiction over this matter to enforce the provisions
22 of this Consent Judgment of Forfeiture.

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1 21. The United States of America, A. Davtyan and L. Davtyan consent to this
2 judgment and waive any right to appeal.



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4 Dated: March 26, 2019

HONORABLE PATRICK J. WALSH
UNITED STATES MAGISTRATE
JUDGE

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8 Presented by:

9 NICOLA T. HANNA
United States Attorney
10 LAWRENCE S. MIDDLETON
Assistant United States Attorney
11 Chief, Criminal Division
STEVEN R. WELK
12 Assistant United States Attorney
Chief, Asset Forfeiture Section
13

14 /s/

15 BRENT A. WHITTLESEY
Assistant United States Attorney

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA
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